

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

[1] MARTHA DONELSON and	)	
[2] JOHN FRIEND, ON BEHALF OF	)	
THEMSELVES AND ON BEHALF OF	)	
ALL SIMILARLY SITUATED PERSONS,	)	
	)	
Plaintiffs,	)	Case No. 14-CV-316-JHP-FHM
v.	)	
	)	
[1] UNITED STATES OF AMERICA,	)	
DEPARTMENT OF INTERIOR,	)	
BUREAU OF INDIAN AFFAIRS, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT BLACK LAVA RESOURCES, LLC’S MOTION TO DISMISS  
PLAINTIFFS’ FIRST AMENDED COMPLAINT AND BRIEF IN SUPPORT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(b)(7), Defendant Black Lava Resources, (“Black Lava”), requests that the Court dismiss Plaintiffs’ First Amended Complaint.

**I.**

**ADOPTION OF PREVIOUSLY FILED MOTIONS TO DISMISS**

Pursuant to Fed. R. Civ. P. 10(c), and for purposes of brevity and economy of the Court's time and resources, Black Lava adopts and incorporates by reference the arguments and authorities presented to the Court in the Motions to Dismiss previously filed by Defendants B&G Oil Company and Wellco Energy, Inc. (Dkt. No. 124), Devon Energy Production Co., L.P. and Linn Energy Holdings, LLC (Dkt. No. 136), The Link Oil Company and Toomey Oil Company, Inc. (Dkt. No. 137), and Performance Energy Resources, LLC, Short Oil, LLC, Marco Oil Company, LLC, Osage Energy Resources, LLC, Helmer Oil Corp. and Clear Mountain Production, LLC (Dkt. No. 138).

**II.**

**PRAYER**

Defendant Black Lava Resources, LLC respectfully requests that the Court order the dismissal of Plaintiffs' First Amended Complaint and grant Black Lava reasonable attorney fees, costs and all other relief the Court deems just and proper.

Dated: October 7, 2014

Respectfully submitted,

By: /s/ Thomas M. Ladner

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***ATTORNEYS FOR BLACK LAVA  
RESOURCES, LLC***

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 7<sup>th</sup> day of October, 2014, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System and transmittal of a Notice of Electronic Filing to all persons who have entered their appearance ECF registrants in this case.

/s/ Thomas M. Ladner  
Thomas M. Ladner